

MAS. E 20.2: M46



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor
Trudy Coxe
Secretary, EOE
Thomas B. Powers
Acting Commissioner



312066 0270 8328 1

GOVERNMENT DOCUMENTS
COLLECTION

JAN 20 1996

University of Massachusetts
Depository, Copy

MCP TIMELINES AND FEES

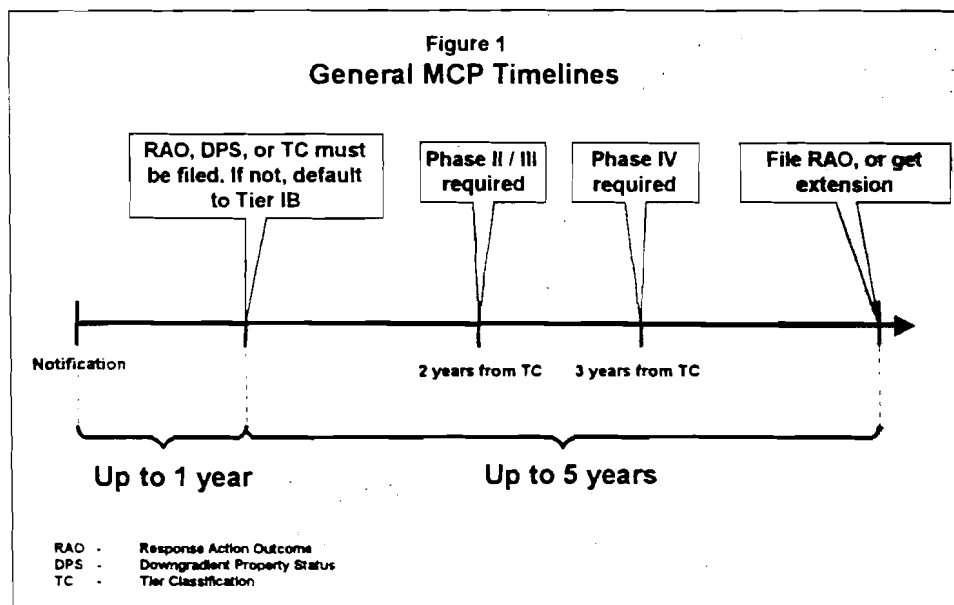
The Massachusetts Waste Site Cleanup Program has been streamlined to speed the cleanup of releases of oil and hazardous material. Amendments to the State Superfund Law (M.G.L. Chapter 21E) were enacted in July 1992; substantial revisions to the accompanying regulations (known as the Massachusetts Contingency Plan or MCP, 310-CMR 40.0000) took effect in October 1993. Additional "fine-tuning" revisions were made to the MCP in February 1995.

A new state Board of Registration of Hazardous Waste Site Cleanup Professionals has started issuing licenses to private sector experts who are qualified to manage site assessments and cleanups. A Licensed Site Professional (LSP) must be hired by anyone performing response actions to ensure that the work is performed in accordance with both Chapter 21E and the MCP.

MCP TIMELINES

The MCP establishes general timelines for cleanups at all sites as well as timelines for specific types of response actions. Figure 1 shows the general timelines for the MCP cleanup process.

For all sites, the clock starts ticking when DEP is notified of a potential or actual release of oil or hazardous material that exceeds a reporting threshold. Within one year, the legally responsible person must either: (1) clean up the release to MCP standards (i.e. achieve a Response Action Outcome or RAO), (2) obtain Downgradient Property Status (DPS), or (3) classify the release as either Tier I (A, B, or C) or Tier II. If this one-year deadline is missed, the site is classified as Tier IB by default.



For sites that are Tier Classified, there are deadlines for completing specific phases of the cleanup process, and for filing a Response Action Outcome (RAO) Statement. If an RAO cannot be achieved within the allowable timeframe, a Tier I Permit Extension or a Tier II Classification Extension must be obtained before cleanup work can continue.

FILING SUBMITTALS

To ensure that cleanups are proceeding as required, the MCP requires the submittal of certain documents to DEP within specific time frames. The appropriate DEP Regional Office stamps each document with the date on which it is received [see 310 CMR 40.0008(4)].

Missed deadlines can result both in requirements for additional documentation and in new or higher fees. For this reason, all documents should be mailed or hand-delivered so they are received at the appropriate DEP Regional Office by the applicable deadlines. Because mail service can vary, however, the MCP provides a seven-day grace period. If the date stamped by the appropriate DEP Regional Office is within seven days of the actual due date, DEP considers the submittal to be on time.

For example, the one-year deadline for Tier Classification (or for filing an RAO or Downgradient Property Status Submittal) for a release reported on June 5, 1994 is June 5, 1995. Whether it is mailed or hand-delivered, the required document is considered on time if it is received by DEP on June 12 or earlier. If the submittal is date-stamped June 13 or later, it is considered late. In this example, if the submittal is late, the site would be classified Tier IB and assessed the appropriate fee.

Deadlines falling on a Saturday, Sunday, or legal holiday run to the end of the next business day [see 310 CMR 40.0008(1)]. Please note also that there are some deadlines for which the seven-day "grace" period does not apply [these are listed in 310 CMR 40.0008(5)].

MCP FEES

To keep pace with private sector responses, DEP must review permit applications and make timely decisions, and must also audit individual cleanups to ensure that they are adequate. Two categories of fees have been established in the "Timely Action Schedule And Fee Provisions" (310 CMR 4.00) to provide DEP with the resources it needs to get these jobs done:

- * Annual Compliance Assurance Fees, assessed for all disposal sites, cover the costs of DEP compliance and enforcement activities, including audits of response actions.
- * Fees for Tier I Permits and Grants of Environmental Restriction, are paid by applicants to cover the costs of timely review and approval. DEP must refund these fees if it fails to meet the prescribed review timelines.

These fees also create market incentives for quicker cleanups. The sooner a site exits the MCP system (or reaches a significant milestone within it, such as Downgradient Property Status or Class C RAO), the lower the fees will be. For a list of all fee amounts, see the summary at the end of this fact sheet.

Annual Compliance Assurance Fees

There are two types of Annual Compliance Assurance Fees:

- * **One-time fees** apply to three specific submittals if filed within the first year after notification (i.e. before Tier Classification). These submittals are: a Response Action Outcome (RAO) Statement; a Downgradient Property Status (DPS) Submittal; and a Release Abatement Measure (RAM) Plan.
- * **Annual fees** apply to all sites (classified as either Tier I or Tier II) which have not reached an MCP endpoint via an RAO or DPS within one year of notification.

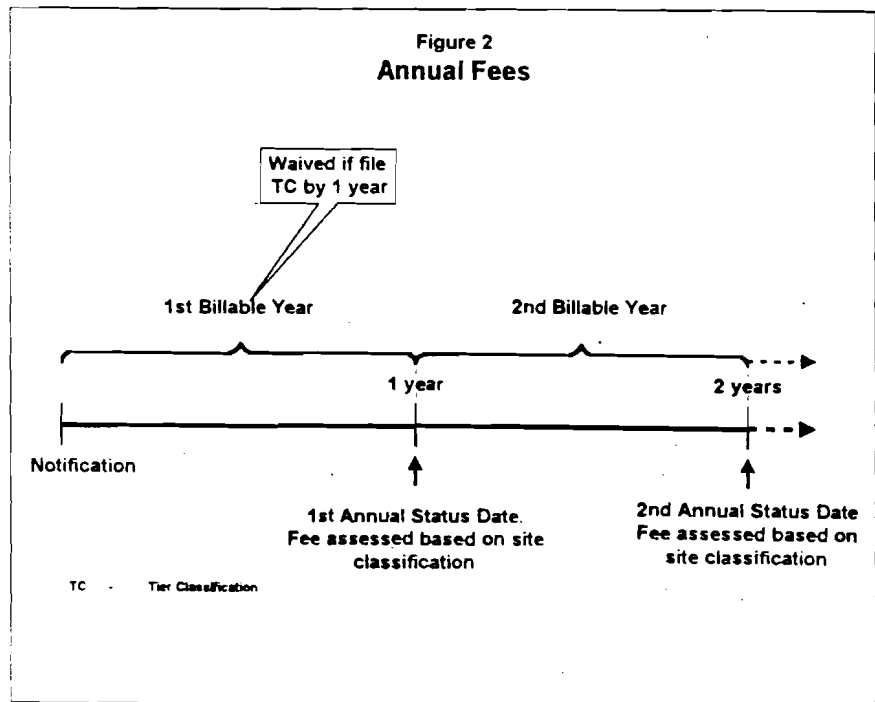
One-time fees must be filed when the applicable document is submitted to DEP. They are illustrated in Table 1 below:

Table 1 ONE-TIME FEES		
<u>Submittal</u>	<u>Time of Filing</u>	<u>Fee</u>
RAO	within 120 days of notification	no fee
RAO	after 120 days but prior to Tier Classification	\$750
RAO	after Tier Classification	no fee
RAO	within 90 days after 1 year deadline if not Tier Classified except by default to Tier IB	\$750 (in addition to separate \$2,600 Tier IB fee)
DPS	prior to Tier Classification	\$1,000
DPS	after Tier Classification	no fee
RAM	prior to Tier Classification	\$500
RAM	after Tier Classification	no fee

Figure 2 shows how annual fees are assessed for tier-classified sites. Sites which do not file an RAO or DPS in the first year must be Tier Classified. The first annual fee covers the period beginning at initial release notification. As an added incentive to meet the one-year deadline, however, this fee is **waived** if the required submittal is filed on time. If nothing is filed, the site will be classified as Tier IB by default and the first year's fee will be assessed at the Tier IB rate (\$2,600).

The fee amount is always determined by a site's classification as of its annual "status date" (which falls on the anniversary of initial notification). For example, if a Tier IB site is downgraded to Tier II one day prior to its status date, it will be assessed a Tier II fee for the preceding year even though it was technically a Tier IB site for most of that time.

A Tier I or II annual compliance assurance fee is assessed for each year that a site is in the MCP system, *including* the year in which a Response Action Outcome (RAO) Statement or a Downgradient Property Status (DPS) Submittal is filed with DEP. These fees cannot be pro-rated. For example, if an RAO is submitted to DEP fifteen days into the third billable year, the third year's fee will be assessed in full. A few days either way can cost (or save) an entire year's fee, so it is important to remain aware of and plan around a site's status date.



**SUMMARY OF
MCP PERMIT AND COMPLIANCE FEES**
(taken from 310 CMR 4.00)

<u>Site/Activity</u>	<u>Permit</u>	<u>Compliance Fee</u>
Response Action Outcome (RAO)	-----	\$750
Special Project RAO	-----	\$4,000
Release Abatement Measure (RAM)	-----	\$500
Downgradient Property Status (DPS) Submittal	-----	\$1,000
Tier IA Disposal Site	\$3,550	actual cost
Tier IB Disposal Site	\$3,550	\$2,600
Tier IC Disposal Site	\$3,550	\$1,950
Major Permit Modification, Permit Extension, or Permit Transfer	\$1,200	-----
Tier II Disposal Site	-----	\$1,300
Phase V Operation, Maintenance, and/or Monitoring (instead of Tier I or II)	-----	\$500
Post-RAO Class C Active Operation and Maintenance (instead of Tier I or II fee)	-----	\$500
Grant of Environmental Restriction	\$1,050	-----
Amendment of Environmental Restriction	\$850	-----
Release of Environmental Restriction	\$650	-----

All checks for fees should be made payable to **Commonwealth of Massachusetts**. The check and a copy of the first page of the applicable BWSC transmittal form should be mailed to: DEP, P.O. Box 4062, Boston, MA, 02211. The original BWSC transmittal form, a photocopy of the check, and any supporting documentation should be sent to the appropriate DEP Regional Office.

If you have questions about MCP timelines and fees, please call the MCP Hotline, part of DEP's InfoLine: from area code 617 and from outside of Massachusetts, call 617-338-2255. From area codes 413 and 508, call 1-800-462-0444. Press "1" at the menu option.

Prepared by DEP/BWSC, 4/26/95